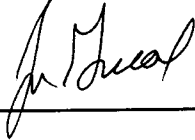


REPORT

DATE: November 16, 2004
TO: Administration Committee and Regional Council
FROM: Chief Counsel
SUBJECT: Transit Operators Agreements

EXECUTIVE DIRECTOR'S APPROVAL:



RECOMMENDED ACTION:

Approve the attached work plan.

BACKGROUND:

SCAG has been informed by its funding partners, particularly the Federal Transit Authority and the Federal Highway Administration that it is required to enter into individual agreements with each publicly owned Transit Operator in the region in order to comply with federal regulations with regard to the coordination of regional planning and programming issues.

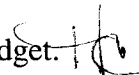
The particular federal regulation, 43 CFR section 450.310 requires an agreement between the Metropolitan Planning Agency (MPO) and operators of publicly owned transit services which specifies cooperative procedures for carrying out transportation planning and programming including corridor and subarea studies. Previously SCAG has not entered into such agreements since it has an agreement with the County Transportation Commissions, San Bernardino Associated Government, Imperial Valley Association of Governments and the Ventura County Association of Governments ("Commission Agreement") whereby those entities would, as appropriate establish a coordinated system of transit operations within their jurisdictions and enter into agreements when necessary to provide multicounty transit facilities and services. The agreement recognized that there should be procedures for carrying out transportation planning and programming.

This arrangement with the Commissions is consistent with state law which provides that the Commissions are the primary funding source and are responsible for short-range capital and service planning. Indeed, some Transit Operators have entered into formal agreements with the appropriate County Transportation Commission.

SCAG has been informed that this arrangement is no longer acceptable and that it must have agreements with each transit operator. As a result, SCAG is commencing a process to undertake this task. SCAG has identified in excess of 80 Transit Operators in the region, with whom it may need to have an agreement. Staff has prepared the attached work plan to accomplish this task in an orderly manner. In essence it is proposed to work in consultation with the Regional Transit Task Force over a period of at least a year to develop appropriate negotiating parameters, to prioritize the work and ultimately to bring recommendations to the Regional Council regarding the final agreements.

Fiscal Impact

There is none because the work will be accomplished through the adopted FY 04-05 budget.



Draft Work Plan				
T-#	Description	Activities	Who	Dates¹
1	Identification of Transit Operators within the Region	P&P staff to identify all Transit operators within SCAG region.	SCAG staff	Sept/Oct.2004 List prepared (attached)
2	Identification of contacts at Transit Operators	P&P staff to identify contact person at each Transit Operator. Priority to those who have had certification review. ²	SCAG staff	Nov./Dec.
2	Development negotiating framework	SCAG legal, in consultation with P&P staff develops requirements for MOU. Review requirements in law and regulation, review current contracts and relationships.	SCAG staff	Nov./Dec.
3	Development of process	P&P staff in consultation with legal develops a suggested process to work with the Transit Operators and to coordinate with County Transportation Commissions	SCAG staff	Nov./Dec.
4	Report to the Regional Transit Task Force (RTTF)	Report on proposed process and negotiating process to RTTF.	SCAG staff	Dec/Jan
5	Reports/Approval of Regional Council	Reports are provided to the RC as appropriate.	SCAG staff	Initial report from TAC expected in Jan/Feb.
6	Coordination with Caltrans MOU process	SCAG staff must regularly coordinate with Caltrans MOU process.	SCAG staff	Continuous
7	Consultation with FTA/FHWA	Seek guidance from FTA/FHWA on negotiating framework and process	SCAG staff	Dec/Jan
8	Prioritization of MOUs	Implementation of the process. Contact specified Transit operators.	SCAG staff	Jan/Feb 2005
9	Meet with Transit Operators and as appropriate County Transportation Commissions	Negotiate with selected Transit Operator representative and/or County Transportation Commissions	SCAG staff	Feb./Mar.2005

¹ Dates are the best estimate of the staff of time required to complete the various activities, however, it must be recognized that each Transit operator and/or County Transportation Commission may have work schedule or unique timing issues which may require adjustment to this work plan.

² Staff has identified in excess of 80 Transit Operators. To manage the process, staff is recommending that the Transit Operators be divided into at least two groups. If there are many differences amongst the Transit operators it may be necessary to divide the operators into three groups but at present staff anticipates that two groups should be a manageable process.

10	Report to RTTF and RC	Report any issues of concern based upon meetings with Transit Operators	SCAG staff	Mar.2005
11	Draft MOU	SCAG legal prepares MOUs for individual Transit Operators	Chief Counsel	Mar. 2005
12	Approval of RTTF and RC to distribute	RTTF and RC to review and approve individual Transit Operator MOU's		Mar/Ap. 2005
14	Negotiate with 1 st Priority operators		SCAG staff	Ap./May 2005
15	Final approval of RTTF and RC			May/June
16	Finalize MOU/Execution		SCAG staff	June/July 2005
17	Meet with 2 nd Priority operators and/or County Transportation Commissions as appropriate	Negotiate with 2 nd priority Transit Operators. Identify any issues of concern	SCAG staff	July/August 2005
17	Report to RTTF and RC	Report any issues of concern and receive direction	SCAG staff	Sept. 2005
18	Draft individual MOU's for 2 nd priority Transit Operators		Chief Counsel	Sept/Oct. 2005
19	Approval of RTTF and RC to distribute individual MOU's.			Oct. 2005
20	Negotiate with 2 nd priority Transit Operators		SCAG staff	Oct/Nov 2005
21	Final Approval of RTTF and RC			Dec. 2005
22	Finalize MOU/Execution		SCAG staff	Dec/Jan